



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Peter G. Mikhail  
Title: Location Sensing Camera  
Serial No.: 09/954,801 Filing Date: September 18, 2001  
Examiner: David M Gray

San Francisco, California  
June 13, 2003

BOX AMENDMENT  
COMMISSIONER FOR PATENTS  
Washington, D. C. 20231

RESPONSE TO OFFICE ACTION

FAX 703.746.4357

Dear Sir:

This communication is responsive to a Response to Amendment dated May 16, 2003, wherein the Examiner asserted that the reply filed on February 21, 2003 was not fully responsive to the prior Office action because the Applicant provided no arguments for patentability over U.S. Patent No. 5,506,644 to Suzuki et al, U.S. Patent No. 6,304,729 to Honda et al., U.S. Patent No. 6,164,839 to Watanabe, and U.S. Patent No. 6,222,985 to Miyake. The Examiner is respectfully requested to reconsider this Application in view of the prior amendments and both the prior and current remarks.

Per a teleconference with the Examiner on approximately June 12, 2003, I understand that Examiner takes issue with Applicant's statements, in the Amendment dated May 16, that a given reference (Suzuki, Honda, Watanabe, or Miyake) "does not anticipate any of the pending claims for all the reasons discussed above with regard to Kimura." In particular, the Examiner does not believe that arguments distinguishing the dependent claims over Kimura are applicable to the other references.

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Applicant agrees with the Examiner that not all the arguments relating to the novelty of the dependent claims over Kimura may apply to the subsequent independent claims. However, the dependent claims are allowable because they depend from allowable base claims, and for all the reasons related to the dependent claim limitations cited in the Amendment dated February 21, 2003.

All pending claims, as presented in the previous response dated 2003, are novel and non-obvious over all of the cited references. The amendments overcome all of the cited references, as was previously stated in the prior response. Specifically, the claims are novel and non-obvious over U.S. Patent No. 5,506,644 to Suzuki et al ("Suzuki"), U.S. Patent No. 6,304,729 to Honda et al. ("Honda"), U.S. Patent No. 6,164,839 to Watanabe ("Watanabe"), U.S. Patent No. 6,222,985 to Miyake ("Miyake"), and U.S. Patent No. 5,913,078 to Kimura ("Kimura").

To anticipate a claim, a prior art reference must disclose every limitation of the claimed invention, either explicitly or inherently. *See Glaxo Inc. v. Novopharm Ltd.*, 52 F.3d 1043, 1047, 34 U.S.P.Q.2D (BNA) 1565, 1567 (Fed. Cir. 1995). In the Response to Amendment, the Examiner has stated that the reply filed 2/21/03 is not fully responsive because the Applicant has not provided arguments for patentability. However, the Examiner has not made a prima facie case because he has not pointed out, with specificity, how or where the references disclose each and every <sup>limitation</sup> ~~limited~~ of the claimed invention. At no point in time has the Examiner pointed out how and where the cited references disclose any claim elements.

Therefore, if the Examiner does not believe that the claims, as amended, are novel over the cited references, the Examiner is kindly requested to point out with specificity where the cited references disclose each and every claimed element. It is the Applicant's sincere belief, that the claims, as amended, are not disclosed in the cited references.

As pointed out in the previous response, Suzuki, Honda, Watanabe, Miyake, and Kimura (“the cited references”) do not disclose or teach each and every element of the following independent claims, and the claims dependent therefrom.

The cited references do not teach each and every limitation of claim 18 as amended. The cited references do not disclose a camera comprising optics, an image storage medium, and a cellular transceiver operable to send and receive signals from nearby cellular towers.

The cited references do not teach each and every limitation of claim 24 as amended. The cited references do not disclose a method for determining and recording the location of an image comprising capturing and recording the image on a storage medium with a camera, determining the location where the image was captured with said camera, wherein determining the location comprises triangulating the location of the camera via a cellular transceiver, and recording the location where the image was captured on the storage medium, such that the image and the location are correlated.

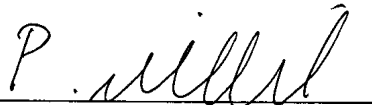
The cited references do not teach each and every limitation of claim 34 as amended. The cited references do not disclose a camera for capturing an image comprising, optical lens means for capturing an optical image, means for recording the optical image onto a storage medium, means for determining the location where the optical image was captured with cellular signals received from cellular towers, and means for recording the location onto the storage medium.

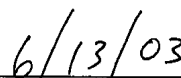
The cited references do not teach each and every limitation of claim 42 as amended. The cited references do not disclose a camera comprising an optical lens for focusing an image onto a focal plane, a storage medium for recording the image, the medium comprising film or memory cells, and a location sensing system, the system configured to record the location onto the storage medium, wherein the location sensing system comprises a cellular transceiver, the system

configured to triangulate the position of the camera through signals sent and/or received by the transceiver.

It is believed that the present application is now in condition for allowance, and an earlier indication of its allowance is earnestly solicited.

Respectfully submitted,

  
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Peter G. Mikhail

  
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Date